IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10520 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

AADEARSH IPCL KARMACHARI UNION

Versus

INDIAN PETROCHEMICALS CORPORATION LTD (IPCL)

Appearance:

1. Special Civil Application No. 10520 of 1995
M/S ANAND ADVOCATES for Petitioner No. 1
Mr. S.N. Shelat for MR DEVANG NANAVATI for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 06/03/2002

ORAL JUDGEMENT

Heard learned advocate Mr.Raval for M/s. Anand Advocates for the petitioner and learned A.G. Mr. S.N.Shelat for Mr. Devang Nanavaty for the respondents.

The grievance voiced by the petitioner is that the union approached the conciliation officer for absorption of contract labour. IPCL has agreed to absorb 1604 workers leaving aside just legal claim of the members of the petitioner who are senior waiting for their absorption.

From the petition itself, it is undisputed that the petitioners are the employees or the workers of the labour contractors. In view of the grievance raised by the petitioner union, it is open for the petitioners to approach the conciliation officer and then appropriate authority for appropriate relief under the provisions of the Contract Labour Regulation (Abolition) Act, 1970 as well as under the provisions of the Industrial Disputes Act, 1947. If the petitioners will approach the conciliation officer within ten days from the date of receipt of copy of this order, then, the concerned officer will conclude the conciliation proceedings in accordance with law within six weeks thereafter and thereafter, if the failure report is submitted, the appropriate authority will take appropriate decision in accordance with law on such failure report as to whether reference is required to be made or not within four weeks thereafter. With these observations and directions, this petition is disposed of. Rule is discharged. Ad.interim relief, if any, shall stand disposed of. There shall be no order as to costs.

6.3.2002. (H.K. Rathod,J.)

Vyas